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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,931	10/26/2000	Daigo Nakagawa	35.C14895	4328

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NEW YORK, NY 10112

EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 08/28/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/695,931

Applicant(s)

NAKAGAWA ET AL.

Examiner

Houshang Safaipour

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-15, 20-24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 5-8, 16-19 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

Figures 15 and 16 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 9-15, 20-24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) and further in view of Youda et al. (U.S. Patent No. 6,178,274)

Regarding claim 1, AAPA discloses an image reading apparatus wherein it comprises:

conveying means for conveying an original (fig. 15);

reading means for optically reading the information recorded in the conveyed original at a predetermined location (fig. 15, image sensor 51);

original pressing means for pressing the original to said reading means (fig. 15, pressing means 52); and

a color reference member used as a color reference at the time when said information is read by said reading means, wherein said color reference member is arranged between said

Art Unit: 2622

reading means and said original pressing means (color reference, page 1, line 17-24). AAPA does not disclose that the pressing location of the original to said reading means by said original pressing means is disposed at a location within the conveying region of the original and other than said reading location. Youda et al. discloses such an apparatus as shown in fig. 2 and described in col. 4, lines 6-15). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to combine Youda's apparatus with that of AAPA, because, the clearance created between the document and the reading surface at the reading point would result in improvement in quality of the image.

Regarding claim 2, AAPA does not disclose the image reading apparatus according to claim 1, wherein said pressing location is disposed at least at either of the original conveying direction upstream side or the original conveying direction downstream side of said reading location. Youda discloses such an apparatus (fig. 2, col. 4, lines 6-15). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to combine Youda's apparatus with that of AAPA, because, this modification would result in creating clearance between the document and the reading surface at the reading point and would improve the quality of the image.

Regarding claim 3, AAPA discloses the image reading apparatus according to claim 1, wherein said color reference member is disposed on said original pressing means (page 1, lines 17-24).

Regarding claim 4, AAPA discloses the image reading apparatus according to claim 1, wherein said original pressing means has an opposing surface opposing to said reading means. AAPA does not disclose that the said original pressing means is disposed in the manner that the

Art Unit: 2622

original conveying direction upstream end portion of said opposing surface is contacted with the original conveying direction upstream side of said reading location and the original conveying direction downstream side end portion is put in the state separated from the surface of said reading means at a predetermined distance. Youda et al. discloses such an apparatus as shown in fig. 2 and described in col. 4, lines 6-15). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to combine Youda's apparatus with that of AAPA, because, the clearance created between the document and the reading surface at the reading point would result in improvement in quality of the image.

Regarding claim 9, AAPA does not disclose the image reading apparatus according to claim 4, wherein it has an compressing means for compressing said original pressing means to said reading means. Youda et al discloses such an apparatus (fig. 2, spring 23). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to combine Youda's apparatus with that of AAPA, because, addition of compressing means would exert pressure on pressing means and results in smooth passage of the document and prevents possible paper jam.

Regarding claims 10 and 11, the arguments analogous to those presented for claims 4 and 9 are applicable to claims 10 and 11 respectively.

Regarding claim 12, the arguments analogous to those presented for claim 1 are applicable to claim 12.

Regarding claim 13, AAPA does not disclose the original reading apparatus according to claim 12, wherein the shape of said original pressing means in said reading location is in the shape recessed from said pressing location. Youda et al. discloses such an apparatus (fig. 2).

Art Unit: 2622

Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to combine Youda's apparatus with that of AAPA, because, this modification would result in creating clearance between the document and the reading surface at the reading point and would improve the quality of the image.

Regarding claim 14, the arguments analogous to those presented for claim 9 are applicable to claim 12.

Regarding claim 15, the arguments analogous to those presented for claims 1 and 4 are applicable to claim 15.

Regarding claim 20, the arguments analogous to those presented for claim 9 are applicable to claim 20.

Regarding claim 21, the arguments analogous to those presented for claim 1 and 4 are applicable to claim 21.

Regarding claim 22, the arguments analogous to those presented for claim 9 are applicable to claim 22.

Regarding claim 23, the arguments analogous to those presented for claim 1 are applicable to claim 23.

Regarding claim 24, the arguments analogous to those presented for claim 13 are applicable to claim 24.

Regarding claim 26, the arguments analogous to those presented for claim 9 are applicable to claim 26.

Regarding claim 27, the arguments analogous to those presented for claim 1 are applicable to claim 27.

Art Unit: 2622

*Allowable Subject Matter*

Claims 5-8, 16-19 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipour whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-0377.



Houshang Safaipour  
Patent Examiner  
Art Unit 2622  
August 21, 2003



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